**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 10822 of 2005**

**Dated: 28.10.2005**

Between:

Pittala Ashok, s/o Ramachandrudu,
R/o Bollepalli Village, Bhongir Mandal,
Nalgonda District.

**.....PETITIONERS**

AND

The Commissioner of Fisheries, Department of Fisheries,
Mastya Bhavan, Santhinagar Colony, Hyderabad and others.

**.....RESPONDENTS**

**ORDER:**

Petitioners, who are 12 in number, filed the writ petition seeking a declaration that the action of the respondents in not allowing them to participate in fishing operation in the tanks of Fishermen Cooperative Society, Bollepally, is arbitrary and illegal.

The petitioners claim to be the members of the third respondent-Fishermen Cooperative Society, Bollepally village. This Court, while directing Rule Nisi on 03.05.2005, passed an interim order in W.P.M.P.NO. 13915 of 2005, which is as under:

"The petitioners did not produce any order as to whether they were

prevented by any of the respondents-officials from undertaking fishing operations.

In the absence of any order disqualifying the petitioners as members of the society or in the absence of any order in writing from the respondents prohibiting the petitioners from undertaking fishing operations, the petitioners are at liberty to continue the fishing operations within the territorial limits of their society."

By virtue of the interim orders, the petitioners have already conducted the fishing operations. Apparently nothing survives for adjudication on merits. Respondent No.4, who got himself impleaded, has categorically stated in his affidavit that the fishing operations were conducted on 15.05.2005, 18.05.2005, 19.05.2005, 20.05.2005, 23.05.2005 and 25.05.2005. The said fact has not been disputed by the learned counsel for the petitioner.

In the circumstances, the writ petition is dismissed as infructuous. No costs.

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28.10.2005

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